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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 JERRALD D. GAZAWAY,

12 Petitioner,

13 v.

14 STATE OF CALIFORNIA,

15 Respondent.
16

No. 2:23-CV-0699-WBS-DMC-P

ORDER

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the Court is Petitioner's renewed
19 motion for the appointment of counsel. See ECF No. 24.

20 There currently exists no absolute right to appointment of counsel in habeas
21 proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C.
22 § 3006A authorizes the appointment of counsel at any stage of the case "if the interests of justice
23 so require." See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the Court does
24 not find that the interests of justice would be served by the appointment of counsel at the present
25 time.

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1 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for appointment
2 of counsel, ECF No. 24, is denied without prejudice to renewal, at the earliest, after an answer to
3 the petition has been filed.

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5 Dated: May 9, 2024

A handwritten signature in dark ink, appearing to read 'Dennis M. Cota', written over a horizontal line.

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE